

**STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

IN RE THE MATTER OF:

JAMES A. WARREN

Case No. 07-44-B

Case No. 08-21-B

FINAL ORDER

This cause was called for hearing on December 12, 2008 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the Administrative Law Division Office of the Alabama Attorney General's Office for an Administrative Hearing concerning the allegations filed against Mr. James A. Warren (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. The Honorable Tori L. Adams, Administrative Law Judge for the Administrative Hearings Division of the Attorney General's Office, presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. The Respondent failed to appear.

STATEMENT OF ISSUES

On June 5, 1992, Respondent was issued a certificate of licensure (certificate number 18989) from the Board authorizing him to practice land surveying in the State of Alabama. On August 2, 2007 the Respondent's license was placed in suspended status and was ultimately revoked on February 28, 2008 for failure to provide renewal documentation. Respondent's license remains in revoked status.

On August 30, 2007 the Board received a complaint from Mr. Bill Klingler (Case No. 07-44-B) alleging the Respondent had provided a survey dated April 5, 2007 in Bullock County, Alabama that contained violations of the standards of practice for land surveying in the State of Alabama.

On February 21, 2008 the Board received a complaint from Mr. Tommie H, Hooks (Case No. 08-21-B) alleging the Respondent had violated Code of Alabama 1975 § 34-11-15, § 34-11-16 and *Administrative Code* § 330-X-14-.05 and § 330-X-14-.06 by providing a survey dated November 9, 2007 in Bullock County, Alabama during the period of time his license to practice land surveying in the State of Alabama was suspended. The complaint also alleged said survey contained violations of the standards of practice for land surveying in the State of Alabama.

The alleged violations are as follows:

Count I

On August 2, 2007 the Respondent's license to practice Land Surveying in the State of Alabama was suspended for failure to provide documentation to renew his 2006 license. Respondent's license to practice land surveying was revoked on February 28, 2008. On April 5, 2007, Respondent provided a survey for Mr. Bill Klingler in Bullock County, Alabama that contained violations of the standards of practice for land surveying. This is a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(g) 2 and the Board's *Administrative Code* §330-X-14-.05(g) and §330-X-14-.06 (1 & 5).

Count II

On August 2, 2007 the Respondent's license to practice Land Surveying in the State of Alabama was suspended for failure to provide documentation to renew 2006 license. Respondent's license to practice land surveying was

revoked on February 28, 2008. On November 9, 2007, Respondent provided a survey for Mr. Tommie H. Hooks in Bullock County, Alabama during the period of time his license to practice surveying was suspended. This is a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-7(c) and the Board's *Administrative Code* §330-X-14-.06 (1 & 5).

CONCLUSIONS OF LAW

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)2, § 34-11-7(c) and *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.05(g).

CONCLUSION

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Administrative Law Judge Tori Adams made the following recommendations;

1. Respondent is in violation of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)2 and § 34-11-7(c) as well as *Administrative Code* §330-X-14-.06(a) 1, 5 and 7 which constitutes cause for the Board to deny any reinstatement application of Respondent.
2. Respondent should be assessed a total fine of \$3,000.00 for Count I and II.

After deliberation and a review of the Administrative Law Judge's recommendations, the Board finds Respondent **Guilty** of the allegations made against him. The Board respectfully modifies the Administrative Law Judge's proposed recommendations for disciplinary action relative to this cause.

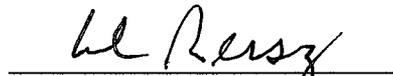
In accordance with Code of Alabama 1975 § 34-11-12 the Board may, for reasons it deems sufficient, reissue a certificate of licensure to any person provided three or more members of the Board vote in favor of reissuance and Code of Alabama 1975 § 34-11-11(m)

which states the Board has the power to impose any and all disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty. The Board hereby **Orders** as follows:

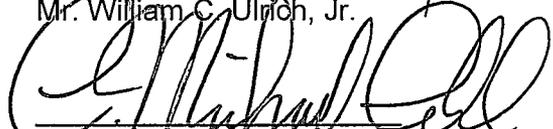
1. Respondent shall pay to the Board a fine of three thousand dollars (\$3,000).
2. Respondent shall pay to the Board, four hundred and forty-six dollars and seventy-five cents (\$446.75) for cost of the Hearing.
3. Respondent's license shall remain in **Revoked** status
4. The Hearing and Final Order will be public record

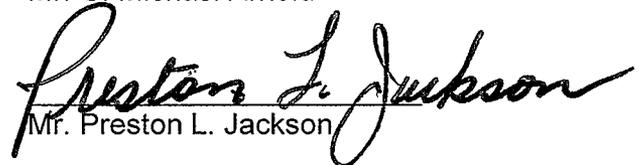
Done this the 5th day of MARCH 2009


Mr. Don T. Arkle


Mr. Al I. Reisz


Mr. William C. Ulrich, Jr.


Mr. C. Michael Arnold


Mr. Preston L. Jackson

RECUSED